THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 19308 of 2006

Dated: 03-01-2007

Between:

M/s Kerala Model School,
Vemulavada, Karimnagar District,
Rep., by its secretary and Correspondent.

..... PETITIONER

AND

The Assistant Provident Fund Commissioner
And Authority under Section 7-A of the
EPF & MP Act, 1952,
Sub Regional Office,
Karimnagar.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 19308 of 2006

O R D E R:

This writ petition is filed aggrieved by the order dated 24-05-2006 passed by the respondent in exercise of powers under Section 7-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for short 'the Act'), thereby determining the amounts payable by the petitioner towards Provident Fund arrears for the period from 09/2004 to 02/2006 together with interest. The petitioner also seeks a declaration that the consequential prohibitory order dated 18-07-2006 issued by the respondent directing the Andhra Bank, Vemulavada to withhold the amounts lying in the petitioner's account as arbitrary and illegal.

At the outset, it is to be noted that against the order dated 24-05-2006 passed under Section 7-A of the Act, an alternative remedy of appeal is available under Section 7-I of the Act. Without exhausting the said remedy, the petitioner cannot maintain this writ petition.

In the circumstances, without expressing any opinion on merits, the writ petition is disposed of granting leave and liberty to the petitioner to prefer an appeal against the order dated 24-05-2006 before the appellate forum. If any such appeal is preferred within four weeks from the date of receipt of a copy of this order, the same shall be entertained and appropriate orders be passed in accordance with law. Pending such appeal, the impugned order dated 24-05-2006 as well as the prohibitory order dated 18-07-2006 shall not be given effect to provided the petitioner deposits half of the amount determined under the order dated 24-05-2006 within a period of six weeks from today. No costs.

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G. ROHINI, J

Dated: 03-01-2007
KLP